

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO.</b> _____
	:	
<b>v.</b>	:	<b>DATE FILED</b> _____
	:	
<b>DAVID RIVERA,</b>	:	<b>VIOLATIONS:</b>
<b>a/k/a “Daniel Ortiz”</b>	:	<b>21 U.S.C. § 846 (conspiracy to distribute</b>
<b>ERIC SIERRA,</b>	:	<b>more than 50 grams of cocaine base</b>
<b>a/k/a/ “Jesk”</b>	:	<b>(“crack”) - 1 count)</b>
<b>JONATHAN DIAZ</b>	:	<b>21 U.S.C. § 841(a)(1) (possession with</b>
<b>SAMUEL GONZALEZ</b>	:	<b>intent to distribute more than 50 grams of</b>
	:	<b>cocaine base (“crack”) - 2 counts)</b>
	:	<b>21 U.S.C. § 841(a)(1) (possession with</b>
	:	<b>intent to distribute more than 500 grams</b>
	:	<b>of cocaine - 1 count)</b>
	:	<b>18 U.S.C. § 2 (aiding and abetting)</b>
	:	<b>Notice of forfeiture</b>

**INDICTMENT**

**THE GRAND JURY CHARGES THAT:**

1. From at least in or about March 2005 to on or about May 11, 2005, in the Eastern District of Pennsylvania and elsewhere, defendants

**DAVID RIVERA,  
a/k/a “ Daniel Ortiz,”  
ERIC SIERRA,  
a/k/a “Jesk,”  
JONATHAN DIAZ and  
SAMUEL GONZALEZ**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute more than 50 grams, that is approximately 435 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II

controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

### **MANNER AND MEANS**

It was part of the conspiracy that:

2. Defendants DAVID RIVERA, ERIC SIERRA, JONATHAN DIAZ, and SAMUEL GONZALEZ were drug dealers who distributed both cocaine base (“crack cocaine”) and cocaine.

3. Defendant SAMUEL GONZALEZ supplied cocaine to defendant ERIC SIERRA, who prepared the crack cocaine, which both he and defendant DAVID RIVERA sold. GONZALEZ also supplied JONATHAN DIAZ with cocaine for distribution.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its objects, the following overt acts, among others, were committed in the Eastern District of Pennsylvania and elsewhere:

1. On or about March 29, 2005, defendant DAVID RIVERA told a confidential source (CS) that he sold crack cocaine in multi-gram quantities and that he sold a quarter pound of crack cocaine for \$3,200.

2. On or about May 3, 2005, defendant DAVID RIVERA told the CS that he could sell the CS a quarter pound of crack cocaine and that his supplier, defendant ERIC SIERRA, would meet the CS in the area of 6<sup>th</sup> & Annsbury Streets, Philadelphia, Pennsylvania to sell the CS the crack cocaine. At approximately noon, defendant SIERRA met the CS at 6<sup>th</sup> and Annsbury Streets and gave the CS approximately 150.5 grams of crack cocaine, for which the CS paid defendant SIERRA \$3,200 in cash.

3. On or about May 10, 2005, defendant ERIC SIERRA spoke with the CS

and agreed to sell the CS one-half pound of crack cocaine the following day.

5. On or about May 11, 2005, defendant ERIC SIERRA met with defendant JONATHAN DIAZ, who gave a roll of money which contained a Bally's fitness card in the middle to SIERRA as they waited for defendant SAMUEL GONZALEZ in front of 615 Annsbury Street, Philadelphia, Pennsylvania. After defendant GONZALEZ arrived, all three defendants went inside 615 Annsbury Street.

6. At approximately 1:00 p.m., defendant JONATHAN DIAZ left 615 Annsbury Street holding a brown and red paper bag containing approximately 525 grams of cocaine, which he placed the bag in the back of his car, a green Ford Focus station wagon, PA registration # FGD-7933.

7. At approximately 1:11 p.m., defendant ERIC SIERRA telephoned the CS and told him that the drugs were ready and they should meet at 6<sup>th</sup> and Courtland Streets. Approximately ten minutes later, defendant SIERRA met the CS and showed him approximately 285.1 grams of crack cocaine.

8. Inside 615 Annsbury Street, defendant SAMUEL GONZALEZ was in possession of a roll of currency totaling approximately \$11,000, which contained a Bally's fitness card.

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 3, 2005, in Philadelphia, in the Eastern District of Pennsylvania,  
defendants

**DAVID RIVERA,  
a/k/a “Daniel Ortiz,” and  
ERIC SIERRA,  
a/k/a “Jesk,”**

knowingly and intentionally distributed, and aided and abetted and willfully caused the distribution of, more than 50 grams, that is, approximately 150.5 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A) and Title 18, United States Code, Section 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 11, 2005, in Philadelphia, in the Eastern District of Pennsylvania,  
defendant

**ERIC SIERRA,  
a/k/a “Jesk,”**

knowingly and intentionally possessed with intent to distribute more than 50 grams, that is,  
approximately 285.1 grams, of a mixture or substance containing a detectable amount of cocaine  
base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 11, 2005, in Philadelphia, in the Eastern District of Pennsylvania,  
defendant

**JONATHAN DIAZ**

knowingly and intentionally possessed with intent to distribute more than 500 grams, that is,  
approximately 525.5 grams, of a mixture or substance containing a detectable amount of cocaine,  
a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 21, United States Code, Sections 846 and 841(a)(1) set forth in this indictment, defendants

**DAVID RIVERA,  
a/k/a “ Daniel Ortiz,”  
ERIC SIERRA,  
a/k/a “Jesk,”  
JONATHAN DIAZ and  
SAMUEL GONZALEZ**

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violations of such offenses, including but not limited to \$11,000 in United States currency, and

(b) any property constituting, or derived from, any proceeds obtained directly or indirectly from the commission of such offenses.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**PATRICK L. MEEHAN**  
**United States Attorney**